

DETAILED ACTION

Response to Amendment

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 3-29-2010 has been entered.

Claim 5 has been amended.

Claims 37-41 are newly added.

Response to Arguments

Regarding independent claim 33, applicant remarked that the Mollenauer et al & the Young references applied in the previous Office Action lacks the teaching of the seal member (20) having an annular segment projecting radially inwardly from the hourglass segment. Such remarks are persuasive, thus, the rejection associated with the Mollenauer reference has been withdrawn.

Regarding independent claim 5, applicant remarked that the Young's seal clamps (48, 50) does not include at least one post extending therefrom along the longitudinal axis & to be received in the distal housing component (16, 18).

Allowable Subject Matter

Claims 5-9, 11, 13, 17, 20, and 32-41 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claim 33, the art of record when applied alone or in combination neither renders obvious cannula assembly comprising a sealing member having a general hourglass segment and an annular segment projecting radially inwardly from the hourglass segment, the annular segment defining an opening thereof for receipt of the surgical instrument.

Regarding independent claim 5, the art of record when applied alone or in combination neither renders obvious cannula assembly comprises a sealing member comprising a fabric, the seal member having an hourglass shape defining an opening thereof for receipt of the surgical instrument, a seal clamp secured to the outer periphery of the sealing member, the seal clamp including at least one post dimensioned to be received within at least one corresponding opening formed in the distal housing component.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camtu T. Nguyen whose telephone number is 571-272-4799. The examiner can normally be reached on (M-F) 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Camtu T. Nguyen/
Examiner, Art Unit 3772

/Patricia Bianco/
Supervisory Patent Examiner, Art Unit 3772